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**SOAH DOCKET NO. 473-21-0538  
DOCKET NO. 51415**

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| <b>APPLICATION OF SOUTHWESTERN<br/>ELECTRIC POWER COMPANY FOR<br/>AUTHORITY TO CHANGE RATES</b> | §<br>§<br>§ | <b>BEFORE THE STATE OFFICE<br/>OF<br/>ADMINISTRATIVE HEARINGS</b> |
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**SOUTHWESTERN ELECTRIC POWER COMPANY'S OBJECTIONS TO  
CITIES ADVOCATING REASONABLE DEREGULATION'S  
FIRST SET OF REQUESTS FOR INFORMATION**

Southwestern Electric Power Company (SWEPCO) objects to the First Set of Requests for Information (RFIs), Question No. 1-13, from Cities Advocating Reasonable Deregulation (CARD) because it seeks information that is irrelevant.

**I. NEGOTIATIONS**

SWEPCO received CARD's First Set of RFIs on October 23, 2020. Counsel for SWEPCO and CARD have attempted to negotiate these objections diligently and in good faith. The negotiations were unsuccessful. In accordance with 16 Tex. Admin. Code (TAC) § 22.144(d), these objections are timely filed.

**II. RESERVATION OF RIGHTS**

Based on diligent inquiry, SWEPCO believes that all necessary objections have been raised in this pleading. SWEPCO does not, however, waive its right, if documents are subsequently found that are responsive to these requests, to claim that such documents are confidential or privileged if such an objection is determined to be appropriate.

### III. OBJECTIONS

#### Request for Information

- 1-13 Identify planned environmental compliance projects for each SWEPCO generating plant, the specific regulations addressed by each project, and cost/benefit analyses supporting the selection of each compliance project.

#### Objection

SWEPCO objects to this request because it seeks information that is irrelevant and outside the scope of permissible discovery.<sup>1</sup> The Commission's rules define the scope of permissible discovery: "Parties may obtain discovery regarding any matter, not privileged or exempted under the Texas Rules of Civil Evidence, the Texas Rules of Civil Procedure, or other law or rule, that is relevant to the subject matter in the proceeding."<sup>2</sup> Information is relevant to the subject matter of a proceeding if the information "has any tendency to make a fact more or less probable than it would be" without the information and that "fact is of consequence in determining the action."<sup>3</sup> Although the scope of discovery in Commission proceedings is broad, requests must show a reasonable expectation of obtaining information that will aid in the dispute's resolution.<sup>4</sup> Therefore, discovery requests must be reasonably tailored to include only relevant matters.

The information sought in CARD 1-13 is not related to SWEPCO's request for relief in this case. Rather, CARD seeks information pertaining to *planned* environmental compliance projects. To the extent SWEPCO has planned environmental compliance projects, those projects

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<sup>1</sup> See Tex. R. Civ. Proc. 192.3(a); 16 TAC § 22.141 (noting scope of discovery to the subject matter in the proceeding); *In re Master Flo Valve Inc.*, 485 S.W.3d 207, 213 (Tex. App.—Houston [14th Dist.] 2016, no pet.) ("Discovery requests must be limited to the relevant time, place and subject matter.").

<sup>2</sup> 16 TAC § 22.141(a)

<sup>3</sup> Tex. R. Evid. 401.

<sup>4</sup> *In re Nat'l Lloyd's Ins. Co.*, 532 S.W.3d 794, 808 (Tex. 2017) (quoting *In re CSX Corp.*, 124 S.W.3d 149, 152 (Tex. 2003) (orig. proceeding)).

are not addressed in this case, have not been placed in service, and may not be undertaken in the future. Simply put, the information CARD seeks through this RFI is not intended to aid the resolution of a matter at issue in this case. Accordingly, the request is not reasonably calculated to lead to the discovery of admissible evidence.<sup>5</sup>

#### IV. CONCLUSION

For the foregoing reasons, SWEPCO respectfully requests that its objections to CARD's First Set of RFIs be sustained. SWEPCO further requests any other relief to which it may be justly entitled.

Respectfully submitted,

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**AMERICAN ELECTRIC POWER SERVICE  
CORPORATION**

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<sup>5</sup> Tex. R. Civ. Proc. 192.3(a).

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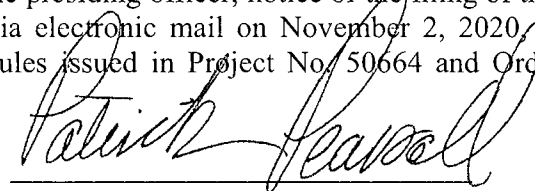
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#### **CERTIFICATE OF SERVICE**

I certify that, unless otherwise ordered by the presiding officer, notice of the filing of this document was provided to all parties of record via electronic mail on November 2, 2020, in accordance with the Second Order Suspending Rules issued in Project No. 50664 and Order No. 1 in this matter.

  
Patrick Pearsall